

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PETROLEUM SALES, INC.,

No. C-05-3526 SBA (JCS)

Plaintiff,

**ORDER FOR ADDITIONAL BRIEFING**

v.

VALERO REFINING COMPANY  
—CALIFORNIA, ET AL.,

Defendants.

At oral argument on Defendant's Attorneys' Fees Motion, the Court ordered Defendant to provide a break-down of all hours billed by each attorney and the applicable rates in order to allow the Court to calculate and/or adjust the lodestar amount. The Court also asked that Defendant provide the dates on which each billing rate was raised. On May 4, 2007, Defendant filed an additional declaration that contained a break-down of hours billed and applicable rates. The total amount on that break-down, however, does not correspond to the amount sought on the Motion. Rather, it exceeds the amount sought on the Motion by some \$30,000. Defendant notes in a footnote that the "amount billed" for two of the listed attorneys includes fees that were *not*, in fact, billed but rather were "written off," which apparently accounts for this discrepancy. Defendant fails to identify the specific amounts that were "written off."

Defendant is ordered to provide the Court a revised break-down of the time and rates for which fees are sought on the Motion. The Court expects that the total fees billed will be the same

1 amount as Defendant requested in the Motion. Any discrepancy must be explained in detail.<sup>1</sup> If the  
2 break-down includes fees that were “written off,” Defendant shall identify the exact amount for each  
3 attorney that was written off, as well as the *specific time entries* that were written-off. Defendant  
4 shall also provide the *exact* date for each attorney on which any billing rate was raised, as previously  
5 requested by the Court.

6 **Defendant shall file a revised break-down, including the above-described information**  
7 **regarding billing rates, no later than Wednesday, May 16, 2007. Plaintiff shall be permitted to**  
8 **file a response no later than Friday, May 18, 2007.**

9 IT IS SO ORDERED.

10 Dated:

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13 JOSEPH C. SPERO  
14 United States Magistrate Judge  
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26 <sup>1</sup>The Court does not, however, authorize Defendant to seek fees for additional time that has not  
27 already been brought to the Court’s attention.